EOD 10-13-99

## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS LUFKIN DIVISION

FILED-CLERK U.S. DISTRICT COURT

99 OCT 12 AM 9: 49

TX EASTERN - 85 TO TON

Case No. 9:85-CV-069

SIERRA CLUB, et al.,

Plaintiffs,

V.

DAN GLICKMAN, Secretary of
Agriculture, et al.,

Defendants,

and

TEXAS FORESTRY ASSOCIATION
AND SOUTHERN TIMBER
PURCHASERS COUNCIL,

Intervenors.

## ORDER OUTLINING SCOPE OF PRELIMINARY INJUNCTION AND ESTABLISHING BRIEFING SCHEDULE

At the conclusion of a telephonic conference convened on September 13, 1999, the court directed the parties to confer on the drafting of an order memorializing agreements reached and oral rulings made during the conference. The parties have now separately submitted proposed orders for the court's consideration. Having carefully reviewed those proposed orders, as well as the court's notes of the September 13 telephonic conference, the court enters the following Order:

- Pending the court's ruling on Federal Defendants' forthcoming Motion to Lift the 1988 Injunction,
  - a. the Temporary Restraining Order signed by the court on July 14, 1999, regarding Compartment 85 of the Angelina National Forest will remain in effect; and
  - b. with the exception of already-awarded contracts, Federal Defendants shall suspend all RCW habitat management practices (other than augmentation, translocation, artificial cavity installation, and monitoring activities) in the additional compartments identified in subsections "A" through "J" of Plaintiffs' Second Supplement to Plaintiffs' Motion to Order Compliance

filed 8/26/99, and shall not issue a decision or advertise or award a contract in furtherance of Judge Parker's 1988 Orders and injunction relating to those areas until further order of the court.

- The following deadlines shall govern the filing of papers discussed during the
   September 13 telephonic conference:
  - a. Federal Defendants shall file their new Comprehensive Plan for RCW habitat management along with its accompanying Administrative Record and Motion to Lift 1988 Injunction no later than October 15, 1999;
  - b. Plaintiffs and Intervenors shall file responses, if any, to Federal Defendants' Motion to Lift 1988 Injunction and any desired motions for leave to supplement the Administrative Record and shall brief the court on the scope of its review of Federal Defendants' Comprehensive Plan under the Administrative Procedure Act no later than November 15, 1999;
  - c. Federal Defendants and Intervenors shall file replies, if any, to Plaintiffs' motion to supplement the Administrative Record no later than December 3, 1999; and
  - d. A telephonic conference shall be convened at 11:00 a.m. on December 17, 1999, for the purpose of scheduling further briefing and/or oral argument as deemed necessary by the court.
- 3. All motion papers and response and reply briefs filed in this action shall strictly comply with the page limitations and other filing requirements set forth in Local Rule CV-7, except that Federal Defendants' brief in support of their Motion to Lift 1988 Injunction and all parties' briefs in response to that motion shall not exceed thirty (30) pages each.

October

It is so ORDERED.

SIGNED this the 8th day of \_\_\_

1999

CICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE